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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/728,821 | 11/29/2000 | Hidenori Sekine | 1924.64885 | 5095 |

24978 7590 01/13/2005

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EXAMINER

VAUGHN, GREGORY J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2178

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 09/728,821 | Applicant(s) SEKINE, HIDENORI | |
| | Examiner Gregory J. Vaughn | Art Unit 2178 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Application History

1. This action is responsive to the application amendment, filed on 9/17/2004.
2. Applicant has amended claims 1 and 6.
3. Claims 1-6 are pending in the case, claims 1 and 6 are independent claims.
4. Applicant has amended the specification in response to the objections cited by the examiner in the *Drawings* and *Specification* sections of the previous office action (dated 3/15/2004). Applicant's amendment has addressed the objections previously made, and therefore, in view of the amendment, objections to the drawings and specification are withdrawn.
5. Examiner's rejection of claims 1-6, made under 35 USC 102, as being anticipated in view of Dutta US Patent 6,480,837 as recited in the previous office action (dated 3/15/2004) are withdrawn as necessitated by amendment.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."

7. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta US Patent 6,480,837, Filed 12/16/1999, patented 11/12/2002 in view of applicant's disclosure.

8. **In regard to independent claim 1**, Dutta discloses storing URLs selected by users. Dutta recites: *"The search engine server 4 includes a search engine program 12 that performs search engine operations known in the art such as searching for web pages and indexing the URLs of the web pages"* (column 3, lines 57-60).

Dutta discloses analyzing the URL utilization frequency of the stored URLs. Dutta recites: *"FIG. 2 illustrates an example of the URL index 14 providing an association of a URL, keyword, and popularity weight, thus providing a popularity weight for each URL/keyword pair. The popularity weight indicates the frequency of selection of the associated URL when returned in response to a search including the keyword associated with the URL and popularity weight"* (column 3, line 66 to column 4, line 5).

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Dutta discloses storing URL utilization frequency values in Figure 2 (shown as "*Popularity Weight*"). Dutta discloses retrieving URLs based upon a user search request in Figure 3a, at reference sign 100, and executing the search at reference sign 102.

Dutta fails to disclose the predetermined accumulation range as a number of links linked one after another to be retrieved. However, as applicant points out in applicant's disclosure on page 2 lines 6-7, and page 3, lines 11-13, that this feature is well known in the art.

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made to use the number of links as the accumulation point as described by applicant as well known in the art with the search results system of Dutta in order to improve internet searching capabilities.

9. **In regard to dependent claim 2**, Dutta discloses determining the accumulation range of the frequency of utilization of the URLs in Figure 2 (described as "*Popularity Weight*").
10. **In regard to dependent claim 3**, Dutta discloses in Figure 2 associating an accumulation base point (shown as "URL") with an accumulation range (described as "*Popularity Weight*").
11. **In regard to dependent claim 4**, the claim contains substantially the same subject matter as claim 2, and is rejected with the same rationale.

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12. In regard to dependent claim 5, the claim contains substantially the same subject matter as claim 3, and is rejected with the same rational.

13. In regard to dependent claim 6, the claim contains substantially the same subject matter as claim 1, and is rejected with the same rational.

Response to Arguments

14. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.

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In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn
January 4, 2005


STEPHEN HONG
SUPERVISORY PATENT EXAMINER